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April 11, 2005

ASSISTANT COMMISSIONER FOR PATENTS  
United States Patent and Trademark Office  
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P. O. Box 1450  
Alexandria, Virginia 22313-1450

Subject: Patent Application No. 10/623,942  
Filing Date 07/22/2003  
ART UNIT 3725  
Title of Patent Application: VERTICAL SHAFT IMPACTOR WITH SUSPENDED  
IMPELLER. Applicants: Louis W. Johnson and Bruce G. Johnson #35906

Examiner:

Our replacement claims filed on 3/14/05 of the original rejection received by us on December 17, 2004, by examiner , Jason Y. Pahng for non compliance, were also rejected by examiner, R. M. Lloyd on 03/31/2005 for not having the proper status identifiers. We herewith submit the same replacement claims of our March 4, 2005 but now containing the identifiers as we understand them to be. We also include herewith copies of the rejected original claims and the submitted corrections of March 4, 2005 to aid an examiner.

The original claims identified one part as a "hollow spindle"; we have changed that to be a "hollow shaft" for a more accurate definition. We hope that we have now corrected our errors of doing our own patent work and have learned enough to have this application granted. Unfortunately the instructions that we obtained from the Patent Office in 2001 did not include all the code requirements with which we have failed to comply.

A check for \$380.00 for extra claim fees is included herewith.

Respectfully,

*Louis W. Johnson*

Louis W. Johnson



## UNITED STATES PATENT AND TRADEMARK OFFICE

APR 19 2005  
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U.S. DEPARTMENT OF COMMERCE

10/6/23, 942

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## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 3/14/05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

1. Amendments to the specification:  
 A. Amended paragraph(s) do not include markings.  
 B. New paragraph(s) should not be underlined.  
 C. Other \_\_\_\_\_
2. Abstract:  
 A. Not presented on a separate sheet. 37 CFR 1.72.  
 B. Other \_\_\_\_\_
3. Amendments to the drawings: \_\_\_\_\_
4. Amendments to the claims:  
 A. A complete listing of all of the claims is not present.  
 B. The listing of claims does not include the text of all pending claims (including withdrawn claims)  
 C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).  
 D. The claims of this amendment paper have not been presented in ascending numerical order.  
 E. Other: \_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognitice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection**, and is not affected by the non-compliant status of the amendment.

Rm L Lloyd  
Legal Instruments Examiner (LIE)

571-272-4364  
Telephone No.



## UNITED STATES PATENT AND TRADEMARK OFFICE

APR 19 2005  
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10/623,982  
UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
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Paper No.

## NOTICE OF FEE DEFICIENCY

The informality regarding the payment of the fee is indicated below in connection with

- the original filing of the application and/or preliminary amendment (e.g. additional claim fees)
- the reply filed on 3/14/05 because of the following matter(s). See 37 CFR 1.111 and 37 CFR 1.135.

## FEE(S) DUE

1. The reply (e.g., amendment) is considered incomplete in that the funds in Deposit Account No. \_\_\_\_\_ are insufficient to cover the entire fee due. The balance\* is due within the time period set below.
2. The reply (e.g., amendment) is considered incomplete in that the Credit Card payment to cover the entire fee due to Account (Card type + last 4 digits ONLY) was refused.
- The balance\* is due within the time period set below.
3. The reply (e.g., amendment) has not been entered, since applicant has failed to remit (or authorize charge to a Deposit Account or Credit Card) the fee as indicated on the attached Patent Application Fee Determination Record. Remittance or authorization is due within the time period set below.
4. The filing fee of \$ 380.00 submitted in this application is insufficient. A balance of \$ 380.00 is due for presentation of excess claims (37 CFR 1.16(b) & (c)).
5. Other.

Explanation (Provide specific details of the required correction in order to assist the applicant. Indicate whether a service charge has been added to the fee due):

200.00 for extra claims

180.00 for multiple dependent claims

APPLICANT IS GIVEN A TIME PERIOD OF ONE (1) MONTH OR THIRTY (30) DAYS FROM THE MAILING DATE OF THIS NOTICE, WHICHEVER IS LONGER, WITHIN WHICH TO REMIT THE FEES DUE IN ORDER TO AVOID ABANDONMENT. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

THE INDICATED AMOUNT OF THE FEE(S) DUE IS SUBJECT TO CHANGE YEARLY ON OCTOBER 1 (37 CFR 1.16 & 1.21). THE AMOUNT OF THE FEE(S) DUE IS DETERMINED AS OF THE DATE A COMPLETE REPLY IS RECEIVED BY THE OFFICE (37 CFR 1.8 & 1.10). BECAUSE THE AMOUNT DUE IS NOT NECESSARILY THE FEE INDICATED ABOVE, IT IS RECOMMENDED THAT APPLICANT CHECK THE CURRENT FEE SCHEDULE WHICH IS POSTED ON THE USPTO'S WEBSITE AT: <http://www.uspto.gov/web/offices/ac/qs/ope/fees.htm>

**\*Service Charges:** There is a \$50 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21(m)). There is a \$25.00 service charge for each month when the balance of a deposit account is below \$1000 at the end of the month (37 CFR 1.21(b)(2)).

Rm Lloyd

Legal Instruments Examiner (LIE) or Clerk of Group

Inquires regarding this Notice should be addressed to the above at 571-272-4366 (insert Phone Number).